

**REMARKS**Summary of the Office Action:

1. Claims 1, 2, 7, 12, 15, 22, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,931,783 to Atkinson (“Atkinson”) in view of Basterfield (The IBM PalmTop PC110).
2. Claims 3-6, 10-11, 13-14, 16-20, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view Atkinson, in view of Basterfield and Microsoft (The Windows Interface: An Application Design Guide).

Summary of the Response:

1. Claims 10, 12, 16, 18, 20, and 21 have been amended.
2. New Claims 35-44 have been added.
3. Claims 1-7, 10-22, 25-28, 30 and 35-44 are the only claims pending.

***Rejection under 35 U.S.C. § 103***

Claims 1, 2, 7, 12, 15, 22, and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Atkinson in view of Basterfield.

Independent Claim 1

Among other differences, Applicant’s Claim 1 provides for the ability of the user to navigate and make a “menu bar” “selectable”. None of the art cited by the Office Action or to date has disclosed a menu bar that is selectable. For this reason, Applicant believes this claim is allowable.

Applicant directs the Examiner to relevant portions of the specification. Selectable is described in the specification as:

A “selectable” menu item is an item, such as a *menu bar* or menu item, that is visually differentiable from other menu items in the same menu, so that subsequent selection input causes an action associated with that menu item to be performed (Specification, pg 7, lines 8-10).

In describing a selectable menu bar, Applicant’s specification and Figure 1B states:

FIG. 1B illustrates handheld computer 100 in a state where the menu bar 132 is selectable... In an embodiment, when the menu bar 132 is made selectable, none of the other menu items 134 in the application menu

130 are indicated as being selectable. Rather, only menu bar 132 is highlighted. This state corresponds to menu bar 132 being selectable. If selection input is entered when the menu bar 132 is selectable, the application menu 130 is cancelled. (Specification, page 9, line 23 - page 10, line 6).

There is no teaching or suggestion in the cited art of a selectable menu bar as claimed in Applicant's claim 1. Atkinson simply discloses displaying a pull-down menu if a user selects a particular command option in the menu bar. Upon such a selection, the command items associated with that command option are displayed within a menu window (pull-down menu) (Atkinson, col. 5, lines 60-64). The user may then select one of the command items by positioning a cursor near a particular command item and changing the switching means from a second position to a first position (Atkinson, col. 6 lines 1-9). Atkinson does not teach a selectable menu bar as claimed in Applicant's claim 1.

Claim 1 also recites "process selection input for when the menu bar is selectable; and cancel activation of the first menu from the display in response to (i) the menu bar of the first menu being selectable and (ii) the selection input for the menu bar being processed." This limitation is also not disclosed in Atkinson. The cited art do not teach use of a menu bar that is selectable, let alone a menu bar that is selectable to cancel an active menu. To contrast, Atkinson teaches that the menu window may be detached from the menu bar and placed on the display away from the menu bar. When detached, the menu window includes command items, a handle icon (which may have the same name as the command option which was selected when the menu window was removed from the menu bar), and a close icon (Atkinson, col. 7, lines 55-59). The detached menu window may be closed by determining whether the cursor is positioned over the area of the close icon and whether the switching means has been set to a second position, followed by a first position. If such conditions are met, the detached menu window is closed (Atkinson, col. 8, line 62 – col. 9 line 7).

Further in contrast to Applicant's Claim 1, which recites use selection input for when the menu bar is selectable, Atkinson teaches that the detached menu window may be cancelled by selecting a close icon. There is no selectable state of the menu bar.

Applicant submits that Atkinson lacks at least the above recited limitations of claim 1, and Applicant submits that Basterfield also lacks the above recited limitations of claim 1. Therefore, even if Atkinson and Basterfield were combined in a manner suggested in the office action, the combination would still lack one or more limitations of claim 1 and therefore would not render claim 1 obvious. As claims 2, 7, 12, and 15 depend from and further limit claim 1, these claims are not rendered obvious by combination of references as suggested in the office action.

#### Independent Claim 22

With respect to Claim 22, Applicant reiterates the arguments made above and further submits that Atkinson does not disclose or suggest the following limitation of Claim 22:

- (i) navigation input to cause the menu bar to be in a selectable state,
- and (ii) selection input for selecting the menu bar from the selectable state.

Because the Atkinson Basterfield combination fails to teach the above recited limitations, claim 22 is not rendered obvious nor is claim 30 which depends from and further limits claim 22.

Claims 3-6, 10-11, 13-14, 16-20, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view Atkinson, in view of Basterfield and Microsoft. With respect to dependent claims 3-6, 10-11, 13-14, 16-20, and 25-28 Applicant reiterates the arguments made above with respect to claims 1 and 22 respectively, and submits that Atkinson fails to disclose at least the above recited limitations of claims 1 and 22. Applicant also submits that the combination of Atkinson, Basterfield and Microsoft also lack at least the above recited limitations. Therefore, as claims 3-6, 10-11, 13-14, and 16-20 depend from and further limit claim 1, and claims 25-28 depend from and further limit claim 22, Applicant submits that claims 3-6, 10-11, 13-14, and 16-20 and 25-28 are not rendered obvious by the recited combination.

#### New Claims

Support for the new claims may be found on 9, lines 11-20 and elsewhere in the application.

## **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-7, 10-22, 25-28, 30, and 35-44 are in condition for allowance. Accordingly, a Notice of Allowance is requested. The Examiner is invited to call the undersigned if there are any issues that remain to be resolved prior to allowance of the claims.

## **AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Please charge deposit account 50-1914 for any underpayments in connection with this Office Action response.

Respectfully submitted,  
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